

RENZ D. JENNINGS
CHAIRMAN

MARCIA WEEKS
COMMISSIONER

ARL J. KUNASEK
COMMISSIONER



ARIZONA CORPORATION COMMISSION

DATE: SEPTEMBER 25, 1995

DOCKET NO: R-2632-95-345

TO ALL PARTIES:

Enclosed please find the **recommendation** of Hearing Officer Scott S. Wakefield. The recommendation has **been filed in the** form of an Opinion and Order on:

ARIZONA CALIFORNIA RAILROAD COMPANY (AT-GRADE CROSSING)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

OCTOBER 4, 1995

The enclosed is NOT an order of **the Commission**, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter **has tentatively** been scheduled for the Commission's Working Session and Open Meeting to be held on:

OCTOBER 10, 1995 and OCTOBER 11, 1995

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.


James Matthews
EXECUTIVE SECRETARY

JM
Enc.

cc: ALL PARTIES

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 RENZ D. JENNINGS
CHAIRMAN
3 MARCIA WEEKS
COMMISSIONER
4 CARL J. KUNASEK
COMMISSIONER

5 TRACS NO. 095 LA 143 H2131 01C)
6 PROJECT NO. RRS-STP-063-2(11)P)
RAIL/HIGHWAY SAFETY PROGRAM)
7 SR 95 @ M.P. 143.2 (PARKER))
8 AGREEMENT NO. 1696-95-ACR)
ARIZONA CALIFORNIA RAILROAD)
COMPANY)
9 AAR/DOT NO. 025-929-K)
RR M.P. AP 105.14C)

DOCKET NO. R-2632-95-345

DECISION NO. _____

10 **OPINION AND ORDER**

11 DATE OF HEARING: September 1, 1995

12 PLACE OF HEARING: Phoenix, Arizona

13 PRESIDING OFFICER: Scott S. Wakefield

14 APPEARANCES: Mr. Peter Breen, Staff Attorney, Legal Division on behalf of the Utilities
Division of the Arizona Corporation Commission.

15 **BY THE COMMISSION:**

16 On July 31, 1995, the Arizona Department of Transportation ("ADOT") filed with the Arizona
17 Corporation Commission ("Commission") an application for approval of an agreement ("Application")
18 with respect to the installation of railroad warning devices at an Arizona California Railroad Company
19 ("Railroad") at-grade crossing located at State Route 95 at milepost 143.2 in La Paz County, Arizona,
20 where same crosses the property and tracks of Railroad at railroad milepost AP105.14C. By Procedural
21 Order dated August 3, 1995, the Application was set for a hearing and ADOT was ordered to provide
22 notice of the Application and of the hearing to the Railroad and any municipality or interested party that
23 might be affected by the Application. ADOT provided the appropriate notifications pursuant to the
24 Procedural Order.

25 On September 1, 1995, a hearing was held before a duly authorized Hearing Officer of the
26 Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the Hearing Officer took
27 the matter under advisement pending submission of a Recommended Opinion and Order to the
28 Commission.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On July 31, 1995, ADOT filed the Application with the Commission.
2. The Application provides, in part, for the installation of railroad warning devices to include two flashing light grade crossing signals augmented with automatic gate arms to upgrade the crossing configurations located at railroad milepost AP105.14C, where State Route 95 crosses Railroad's property, in La Paz County, Arizona.
3. At the hearing held on September 1, 1995, the Commission's Utilities Division Staff ("Staff") recommended that the Application be approved.
4. Staff additionally recommended that: a) the upgrade of the crossing should be completed within 15 months from the effective date of the Commission's Decision; and b) the distribution of costs of the project¹, as agreed to by the parties and as set forth in the Application, should be approved.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and over the subject matter of the Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and 40-337.01.
2. Notice of the Application was provided in accordance with the law.
3. The improvements at the crossing are in the public interest and for the public's convenience, necessity and safety.
4. The Application should be approved.
5. Staff's recommendations, as set forth in Finding of Fact No. 4, are reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application is

¹ The distribution of estimated costs of the project is attached hereto as Exhibit A and is incorporated herein by reference.

1 hereby approved.

2 IT IS FURTHER ORDERED that the upgrade of the crossing shall be completed within 15
3 months from the effective date of this Decision.

4 IT IS FURTHER ORDERED that the distribution of costs of the project, as agreed to by the
5 parties and set forth in the Application, is hereby approved.

6 IT IS FURTHER ORDERED that the Arizona California Railroad Company shall notify the
7 Commission, in writing, within ten days of both the commencement and the completion of the crossing
8 upgrade pursuant to A.A.C. R14-5-104.

9 IT IS FURTHER ORDERED that the Arizona California Railroad Company shall construct the
10 crossing in accordance with the requirements set forth in A.A.C. R14-5-104.

11 IT IS FURTHER ORDERED that upon the completion of the upgrade of the crossing, the
12 Arizona California Railroad Company shall maintain the crossing in compliance with A.A.C. R-14-5-
13 104.

14 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

15 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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19 CHAIRMAN

COMMISSIONER

COMMISSIONER

20 IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the
21 Arizona Corporation Commission, have hereunto set my hand and caused the
22 official seal of the Commission to be affixed at the Capitol, in the City of
23 Phoenix, this _____ day of _____, 1995.

24 JAMES MATTHEWS
EXECUTIVE SECRETARY

25
26 DISSENT _____
SSW

1 SERVICE LIST FOR: ARIZONA CALIFORNIA RAILROAD COMPANY

2 DOCKET NO.: R-2632-95-345

3 William Frederick
4 ARIZONA CALIFORNIA RAILROAD COMPANY
5 P.O. AF
6 Parker, Arizona 85344

7 John B. Syers, III
8 UTILITY & RAILROAD ENGINEERING SECTION
9 Mail Drop 618E Room 118E
10 206 South Seventeenth Avenue
11 Phoenix, Arizona 85007-3213

12 David Gibson
13 ADOT-TRAFFIC ENGINEERING
14 Mail Drop 064R
15 1739 West Jackson
16 Phoenix, Arizona 85007

17 Paul A. Bullis, Chief Counsel
18 Legal Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 Gary Yaquinto, Director
23 Utilities Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, Arizona 85007

EXHIBIT A

SUMMARY OF ESTIMATE

SIGNAL

	<u>SIGNAL</u>	<u>SURFACING</u>	<u>TOTAL</u>
Labor	\$19,860.00	\$25,623.00	\$45,483.00
Material	<u>50,261.00</u>	<u>30,086.00</u>	<u>80,347.00</u>
Total	\$70,121.00	\$55,709.00	*\$125,830.00
ACC. Portion	3,997.00		3,997.00
ADOT Portion	\$66,124.00	\$55,709.00	\$121,833.00

*Railroad will invoice ADOT for 100% of total work,
ADOT will pay Railroad 100% for total invoice and
invoice ACC for its portion.

Agreement No. 1696-95-ACR
EXHIBIT "A"
Sheet 1 of 2

DECISION NO. _____